

CENTRAL ADMINISTRATIVE TRIBUNAL  
KOLKATA BENCH, KOLKATA



Date of order: 14.3.2019

Present : Hon'ble Ms. Bidisha Banerjee, Judicial Member  
Hon'ble Dr. Nandita Chatterjee, Administrative Member

No. O.A. 350/01604/2018

Chinmoy Maity,  
Son of Sri Purnendu Kumar Maity,  
Aged about 38 years,  
By Occupation Unemployed,  
Residing at C/o. Dilip Panja,  
Village – Madhubati (Kamarpukur),  
P.O. Sripur, P.S. Goghat,  
District : Hooghly,  
Pin – 712612.

No. O.A. 350/01605/2018

Dinonath Mondal  
Son of Sri Mrigendra Mondal,  
Aged about 43 years,  
By Occupation – Unemployed,  
Residing at Village – Madhubati (Kamarpukur),  
P.O. – Sripur, P.S. Goghat,  
District : Hooghly,  
Pin – 712612.

- VERSUS -

1. Union of India,  
Service through the General Manager,  
Eastern Railway,  
Fairlie Place,  
17, N.S. Road,  
Kolkata – 700 001.

2. The Chief Personnel Officer,  
Eastern Railway,  
Fairlie Place,  
17, N.S. Road,  
Kolkata – 700 001.

3. The Chief Administrative Officer  
(Construction),  
Eastern Railway,  
Koilaghat,  
3, Koilaghat Street,  
Kolkata – 700 001.

4. The Competent Authority

For Land Acquisition,  
Eastern Railway,  
Koilaghat,  
3, Koilaghat Street,  
Kolkata – 700 001.

5. The Divisional Railway Manager,  
Eastern Railway,  
Howrah Division,  
Howrah – 711 001.

6. The Deputy Chief Engineer (Construction-VI),  
Eastern Railway,  
Howrah Division,  
Howrah – 711 001.

For the Applicants

Mr P.C. Das, Counsel

Mr B. Chatterjee, Counsel

For the Respondents

Mr S.K. Das, Counsel

O'RIDER (Oral)

Per Dr. Nandita Chatterjee, Administrative Member:

These two Original Applications have been filed praying for similar relief as follows:-

- (a) An order directing the respondents to quash and set aside the impugned Speaking Order dated 3.9.2018 passed by the respondent authority;
- (b) An order directing the respondents to issue appointment order in favour of the applicant under Land Loser Category within a stipulated time as this Hon'ble Tribunal may deem fit along with all consequential benefits;
- (c) An order directing the respondents, their agents, subordinates and successors to produce all records and proceedings so that conscionable justice may be administered by granting the reliefs as prayed for hereinabove;
- (d) An order directing the respondents, each one of them, their men, agents, staffs, subordinates and associates to certify and transmit to this Hon'ble Tribunal relevant documents pertaining to the present case so that conscionable justice may be administered by directing them to forthwith appoint the applicant in suitable post;
- (e) To pass such other order or orders, direction or directions as Your Lordships may deem fit and proper."

2. Heard both Id. Counsel, examined documents on record.

3. The submission of the applicants, as articulated through his Ld. Counsel, is that the applicants have approached the Tribunal in the second stage litigation and that the earlier O.A.s were disposed of by directing the respondent authorities to consider the grievances of the applicants, who were land losers in

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connection with land acquisition for construction of Tarakeswar-Bishnupur New Broad B.G. Line Project in the year 2015. The respondents, while issuing the speaking order on 3.9.2018, had rejected the cases of both the applicants on the ground that they were overaged on the date of taking over of land, and, hence, were found unsuitable for recruitment.

Ld. Counsel for the applicants further submits that the applicants would like to prefer comprehensive representations citing judicial pronouncements in their support and that the applicants would be fairly satisfied if a direction is issued to the competent respondent authority to dispose of such representations in a time bound manner.

4. Ld. Counsel for the respondents has no objection if directions are issued to dispose of the matter in accordance with law.

5. Accordingly, without entering into the merits of the matter and, with the consent of the parties, we accord liberty to the applicants to prefer comprehensive representations to the competent respondent authority citing judicial pronouncements in their support. Once the competent respondent authority receives such representations, he will dispose of the same in accordance with law, in the form of a reasoned and speaking order within a period of six weeks thereafter and convey his decision forthwith to the applicants.

6. With these directions, the O.A.s are disposed of. No costs.

  
(Dr. Nandita Chatterjee)  
Administrative Member

  
(Bidisha Banerjee)  
Judicial Member

SP